

Notice of Allowability

Application No.

10/089,504

Examiner

Stefano Karmis

Applicant(s)

BRUNE ET AL.

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 11 May 2007.
2. ☒ The allowed claim(s) is/are 1-5, 8-13 and 19-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 8/30/2007.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. Claims 1-5, 8-13 and 19-21 are currently pending.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John F. Hoffman (Registration No. 26,280) on 30 August 2007.

The application has been amended as follows:

Claim 1, line 5: change "can be" to "is"

Claim 1, line 12: change "can be" to "are"

Claim 19, line 6: change "can be" to "is"

Claim 19, line 13: change "can be" to "are"

3. The following is an examiner's statement of reasons for allowance:

The prior art Stadelmann U.S. Patent 6,415,156 teaches a transaction method for ordering goods or services by mobile telephone. A short message service center executes an application in order to carry out the transaction (column 2, lines 31-48). The customer must set up a

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monetary account in a customer database (column 2, lines 49-64). The customer orders the desired service by means including SMS and informed about the price (column 3, lines 3-20). A copy of the confirmation SMS is automatically communicated to the validation platform by the customer or the service provider and the validation platform receives the confirmation message, decrypts in and identifies service provider and amount (column 3, lines 21-65). The customer account is then debited (column 3, line 64-column 4, line 2).

Non-patent literature Telecommunications Service Providers as Payment Facilitators teaches the exploration of micro billing for buying and selling over the internet for telecommunication providers as internet service providers and e-commerce facilitators (Abstract). BT Array is a conceptual trial of BT micro-billing and payment technology which enables users to purchase small value items, services, information or software from retailers (page 3). The user's aggregated sum is periodically billed to their credit card, appearing as one entry (page 3). The micro-payment account is held on the BT Array transaction server and the user can view their purchase history by visiting the BT Array Web site (page 4).

The prior art of record fails to teach a method for using and charging internet services via a mobile telephone, comprising the steps of: opening and funding a micropayment account held at an actual bank, a payment gateway and the micropayment account being continuously synchronized by means of matching their respective databases, in response to a user request, the provider sending an authorization request to the user wherein the authorization request comprises transaction data including a certain transaction amount to be reserved and against which small

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fee amounts to the provider are debited and a link to the payment gateway, the provider sending the same transaction data to the payment gateway by means of a message; upon the user so authorizing, the transaction data is also transmitted from the user's terminal to the payment gateway by means of a message, the payment gateway synchronizing two messages, verifying that the messages concur and then reserving the certain transaction amount in the micropayment account, and the payment gateway then debiting a fee amount or amounts up to the certain reserved transaction amount to the micropayment account, crediting the fee amount or amounts to the provider and canceling any balance of the respective reserved certain transaction amount in the micropayment account remaining after the fee amount or amounts are debited. For these reasons, independent claims 1 and 19 are allowable over the prior art. Dependent claims 2-5, 8-13 and 20-21 are allowed based on their dependency to claims 1 or 19.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
30 August 2007



HANI M. KAZIMI
PRIMARY EXAMINER